

Remarks

Claims 1, 3, 6, and 12-17 were pending. By this amendment, claims 1, 3, 13, and 16-17 are cancelled without prejudice. Claims 18-20 are added. Therefore, claims 6, 12, 14-15 and 18-20 are now pending.

Support for the amendments and new claims can be found throughout the specification, for example:

Claim 6: page 12, line 28 – page 13, line 3; page 18, lines 13-23

Claims 18-20: page 18, lines 13-23

No new matter is introduced by this amendment.

Summary of telephone interview

Applicants thank Examiners Nobel and Paras for the courtesy of a telephone interview with Applicants' representative Sheree Lynn Rybak, Ph.D. on April 25, 2007.

During this interview, two issues were discussed: (1) how to distinguish an HVJ envelope from an HVJ-liposome and (2) the enablement for treatment of an infarction.

The examiners indicated that the claims filed on April 16, 2007 still do not provide enough information to distinguish an HVJ envelope from and HVJ liposome. The examiners were concerned that the language added to claims 1 and 6 "wherein the HVJ-envelope vector has a diameter less than that of an HVJ-liposome" might be considered new matter. However, the examiners were encouraged by the process language in claims 16 and 17, and suggested including this language into an independent claim. Applicants' representative agreed to consider this option.

With regards to enablement, the examiners were concerned that removal of the phrase "prior to the occurrence of said cerebral infarction" adds new matter. The examiners suggested amending claim 6 to include the step of inducing the infarction. Applicants' representative agreed to consider this option.

Supplemental Amendment

In order to further distinguish the claimed HVJ envelope from an HVJ liposome, claim 6 is amended to recite the methods used to prepare the HVJ envelope. Such methods produce a structure different from an HVJ liposome (for example because the HVJ envelope includes a surfactant).

Claim 6 has also been amended to recite that the cerebral infarction is induced in the subject. The claims satisfy the requirements of 35 U.S.C. § 112, first paragraph, as the specification enables a method of administering an HVJ envelope and inducing a cerebral infarction, thereby reducing the infarcted area (see page 7 of the November 15, 2006 Office action). In addition, claim 6 has been amended to remove the phrase "wherein the HVJ-envelope vector has a diameter less than that of an HVJ-liposome" and to re-introduce the phrase "prior to the occurrence of said cerebral infarction."


In view of these amendments, Applicants submit that the claims are in condition for allowance, and request that the previous rejections be withdrawn, and a Notice of Allowance issued.

If any minor issues remain before a Notice of Allowance is issued, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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